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8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SCOTT SEO,
aka "Seung Hye Seo,"
16 aka "Scott Hoon Seo," and
WILBUR M. SALAO,
17 aka "Will Salao,"

18 Defendants.
19

No. CR 18-625-JAK

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION AND
CONFIDENTIAL INFORMATION

PROPOSED ORDER FILED SEPARATELY

20 Plaintiff, United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorney VERONICA DRAGALIN,
23 defendant SCOTT SEO, by and through his counsel of record, STANLEY
24 FRIEDMAN, and defendant WILBUR SALAO (together with defendant SCOTT
25 SEO, "defendants"), by and through his counsel of record, ANTHONY
26 SOLIS (collectively the "parties"), for the reasons set forth below,
27 hereby stipulate, agree, and request that the Court enter a
28 protective order in this case restricting the use and dissemination

1 of (1) personal identifying information of real persons pursuant to
2 Federal Rule of Criminal Procedure Rule 16(d)(1); and (2)
3 information related to confidential informants and/or cooperating
4 witnesses who may testify at the trial in this case, as set forth
5 below.

6 1. On September 21, 2018, the grand jury returned an
7 indictment against defendants in United States v. Scott Seo and
8 Wilbur Salao, CR 18-625-JAK. Defendants are charged with violations
9 of 18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1346: Honest Services
10 Fraud; 18 U.S.C. § 1341: Mail Fraud; 18 U.S.C. § 1343: Wire Fraud;
11 18 U.S.C. § 666(a)(2): Bribery Concerning Programs Receiving Federal
12 Funds; 18 U.S.C. § 2: Aiding and Abetting and Causing an Act to be
13 Done. Defendants are released on bond pending trial.

14 2. As part of its investigation in the above-captioned case,
15 the government is in possession of documents related to the charges
16 against defendants, and seeks to provide those documents to counsel
17 for defendants (although some of the materials may exceed the scope
18 of the government's discovery obligations).

19 3. The government intends to produce to the "defense team"
20 (defined below) materials related to personal identifying
21 information of real persons, including, among other things, personal
22 names, addresses, Social Security numbers, and bank account numbers.
23 The purpose of the proposed protective order is to prevent the
24 unauthorized dissemination, distribution, or use of materials
25 containing the personal identifying information of others. If this
26 information is disclosed to defendants without limitation, it will
27 risk the privacy and security of the information's legitimate
28 owners. The government has an ongoing obligation to protect these

1 victims and third parties. The government cannot simply produce to
2 defendants an unredacted set of discovery containing this
3 information.

4 4. Personal identifying information makes up a significant
5 part of the discovery in this case and such information itself, in
6 many instances, has evidentiary value. If the government were to
7 attempt to redact all this information in strict compliance with
8 Federal Rule of Criminal Procedure 49.1, the Central District of
9 California's Local Rules regarding redaction, and the Privacy Policy
10 of the United States Judicial Conference, the defense would receive
11 a set of discovery that would be highly confusing and difficult to
12 understand, and defense counsel would not be able to adequately
13 evaluate the case, advise defense counsel's client, or prepare for
14 trial.

15 5. In addition, the government intends to produce to the
16 "defense team" (defined below) materials related to confidential
17 informants or cooperating witnesses who participated in the
18 investigation of this case and who may testify at trial
19 (collectively referred to as the "CI Protected Information"). The
20 CI Protected Information could be used to identify the confidential
21 informants or cooperating witnesses. The purpose of this proposed
22 protective order is to prevent the unauthorized dissemination or
23 distribution of this CI Protected Information, which dissemination
24 the government believes may compromise the ability of such persons
25 to participate effectively in future investigations in an undercover
26 capacity and/or may expose him/her to potential safety risks.

27 6. The parties recognize that the materials containing
28 personal identifying information and the CI Protected Information

1 that the government produces to the defense pursuant to the proposed
2 protective order are solely for the use of defendants, defendants'
3 attorneys, or other individuals or entities acting within the
4 attorney-client relationship to prepare for the trial in this case.

5 7. Accordingly, the parties jointly request a protective
6 order that will permit the government to produce (1) discovery that
7 is unredacted, but preserves the privacy and security of victims and
8 third parties while placing limitations on defendant's access to the
9 discovery without the defense team present; and (2) discovery
10 related to the confidential informants or cooperating witnesses, but
11 preserves the security of the confidential informants or cooperating
12 witnesses by placing limitations on the use of discovery and on
13 defendant's access to the discovery without the defense team
14 present.

15 8. The parties agree that the following conditions, if
16 ordered by the Court in the proposed protective order (the
17 "Protective Order"), (1) will serve the government's interest in
18 maintaining the privacy and security of victims and third parties,
19 while permitting the defense to understand the government's evidence
20 against this defendant; and (2) will serve the government's interest
21 in preserving the effectiveness and safety of confidential
22 informants and/or cooperating witnesses, while permitting the
23 defense to understand the government's evidence against defendant:

24 a. For purposes of the Protective Order, the term
25 "Personal Identifying Information" ("PII") includes any information
26 that can be used to identify a person, including name, address, date
27 of birth, Social Security number, driver's license number, telephone
28 number, account number, or personal identification number. The term

1 "PII Protected Information" refers to materials containing PII that
2 the government produces to the defense pursuant to the Protective
3 Order.

4 b. For purposes of the Protective Order, the term
5 "confidential materials" includes any information relating to a
6 confidential informant's or cooperating witness's prior history of
7 cooperation with law enforcement, prior criminal history, or any
8 other information that could be used to identify a confidential
9 informant or cooperating witness, such as a name, address, date of
10 birth, Social Security number, driver's license number, telephone
11 number, account number, or personal identification number. The term
12 "CI Protected Information" refers to any document or information
13 containing confidential materials that the government produces to
14 the defense pursuant to the Protective Order.

15 c. For purposes of the Protective Order, the term
16 "defense team" refers to (1) defendant's counsel of record,
17 (2) other attorneys at defense counsel's law firm who may be
18 consulted regarding case strategy in the above-captioned matter,
19 (3) defense investigators who are assisting defense counsel with
20 this case, (4) retained experts or potential experts, and
21 (5) paralegals, legal assistants, and other support staff to
22 defendant's counsel of record providing assistance on this case --
23 all of whom have been advised of their obligations under the
24 Protective Order and have affirmed to defendant's counsel of record
25 that they agree to be bound by the terms of the Protective Order.
26 The term "defense team" does not include defendant, defendant's
27 family members, or any other associates of defendant.

1 d. Defendant's counsel of record agrees to advise all
2 members of the defense team of their obligations under the
3 Protective Order and ensure their agreement to follow the Protective
4 Order, prior to providing members of the defense team with access to
5 any materials subject to the Protective Order.

6 e. The government is authorized to provide defendant's
7 counsel of record with PII Protected Information and CI Protected
8 Information marked with the following legend: "SUBJECT TO PROTECTIVE
9 ORDER." If defendant objects to any such designation, defendant may
10 do so by application to the Court upon duly noticed motion,
11 following meeting and conferring with the government regarding the
12 objection.

13 f. Defendant may review Protected Information in this
14 case only in the presence of a member of the defense team, and
15 defendant's counsel of record shall ensure that defendant is never
16 left alone with any discovery subject to the Protective Order.
17 Defendant may see and review Protected Information in the presence
18 of a member of the defense team, but defendant may not copy, keep,
19 maintain, or otherwise possess any of such Protected Information in
20 this case at any time. Defendant must return any Protected
21 Information to the defense team at the conclusion of any meeting at
22 which defendant is permitted to view the Protected Information.
23 Defendant may not take any Protected Information out of the room in
24 which defendant is meeting with the defense team. Defendant may not
25 write down or memorialize any PII or confidential material contained
26 in the Protected Information. At the conclusion of any meeting with
27 defendant, the member of the defense team present shall take with
28 him or her all Protected Information. At no time, under no

1 circumstance, will any PII Protected Information be left in the
2 possession, custody, or control of defendant, whether defendant is
3 incarcerated or not.

4 g. The defense team shall not permit anyone other than
5 the defense team to have possession of PII Protected Information or
6 CI Protected Information, including defendant himself or herself.

7 h. The defense team shall access and use PII Protected
8 Information and CI Protected Information for the sole purpose of
9 preparing for trial or any related proceedings in this case. The
10 defense team may review PII Protected Information and CI Protected
11 Information with a witness or potential witness in this case,
12 including defendant. Before being shown any portion of PII
13 Protected Information or CI Protected Information, however, any
14 witness or potential witness must be informed of, and agree in
15 writing to be bound by, the requirements of the Protective Order.
16 No witness or potential witness may retain PII Protected Information
17 or CI Protected Information, or any copy thereof, after his or her
18 review of those materials with the defense team is complete.

19 i. The defense team shall maintain PII Protected
20 Information and CI Protected Information safely and securely, and
21 shall exercise reasonable care in ensuring the confidentiality of
22 those materials by (1) not permitting anyone other than defense team
23 members and defendant as restricted above to see PII Protected
24 Information or CI Protected Information, (2) not divulging to anyone
25 the contents of PII Protected Information or CI Protected
26 Information, and (3) not permitting PII Protected Information or CI
27 Protected Information to be outside the defense team's offices,
28 homes, vehicles, or personal presence.

1 j. To the extent that notes are made that memorialize,
2 in whole or in part, the PII or confidential material in any
3 Protected Information, or to the extent that copies are made for
4 authorized use by members of the defense team, such notes, copies,
5 or reproductions become PII Protected Information or CI Protected
6 Information, respectively, subject to the Protective Order and must
7 be handled in accordance with the terms of the Protective Order.

8 k. The defense team shall use PII Protected Information
9 and materials otherwise identified as containing PII, CI Protected
10 Information and materials otherwise identified as containing
11 confidential materials, only for the litigation of this matter and
12 for no other purpose. Litigation of this matter includes any appeal
13 filed by defendant and any motion filed by defendant pursuant to 28
14 U.S.C. § 2255. In the event that a party needs to file Protected
15 Information, materials otherwise identified as containing PII, CI
16 Protected Information, or materials otherwise identified as
17 containing confidential materials with the Court or divulge the
18 contents of such materials in court filings, the filing should be
19 made under seal. If the Court rejects the request to file such
20 information under seal, the party seeking to file such information
21 shall provide advance written notice to the other party to afford
22 such party an opportunity to object or otherwise respond to such
23 intention. If the other party does not object to the proposed
24 filing, the party seeking to file such information shall redact the
25 PII or confidential materials and make all reasonable attempts to
26 limit the divulging of PII or confidential materials.

27 l. The parties also agree that any PII or confidential
28 materials produced in the course of discovery in the above-captioned

1 matter prior to the date of the Protective Order shall be subject to
2 the terms of the Protective Order.

3 m. Upon the final disposition of this case, any PII
4 Protected Information, materials otherwise identified as containing
5 PII, CI Protected Information, or materials otherwise identified as
6 containing confidential materials shall not be used, in any way, in
7 any other matter, absent a court order. All materials designated
8 subject to the Protective Order maintained in the defense team's
9 files shall remain subject to the Protective Order unless and until
10 such order is modified by court order. Within thirty days of the
11 conclusion of appellate and post-conviction proceedings, the defense
12 team shall return Protected Information and materials otherwise
13 identified as containing Protected Information to the government,
14 certify that such materials have been destroyed, or certify that
15 such materials are being kept pursuant to the Business and
16 Professions Code and the Rules of Professional Conduct.

17 n. In the event that there is a substitution of counsel
18 prior to when such documents must be returned, new defense counsel
19 must join this Protective Order before any PII Protected
20 Information, materials otherwise identified as containing PII, CI
21 Information, or materials otherwise identified as containing
22 confidential materials may be transferred from the undersigned
23 defense counsel to the new defense counsel. New defense counsel
24 then will become the defense team's custodian of materials
25 designated subject to the Protective Order and shall then become
26 responsible, upon the conclusion of appellate and post-conviction
27 proceedings, for returning to the government, certifying the
28 destruction of, or retaining pursuant to the Business and

1 Professions Code and the Rules of Professional Conduct all Protected
2 Information and materials otherwise identified as containing
3 Protected Information or confidential materials.

4 9. Defense counsel have conferred with defendants regarding
5 this stipulation and the proposed order thereon, and defendants
6 agrees to the terms of the proposed order.

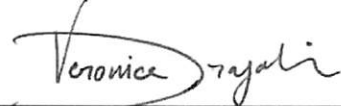
7 10. Accordingly, the parties have agreed to request that the
8 Court enter a protective order in the form submitted herewith.

9 IT IS SO STIPULATED.

10 DATED: October 18, 2018

NICOLA T. HANNA
United States Attorney

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12 LAWRENCE S. MIDDLETON
Assistant United States Attorney
13 Chief, Criminal Division

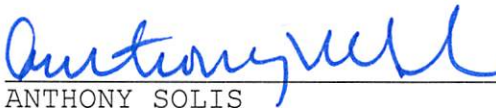
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15 VERONICA DRAGALIN
16 Assistant United States Attorney

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

19 DATED: October , 2018

20 STANLEY FRIEDMAN
Attorney for Defendant
21 SCOTT SEO

22 DATED: October 20, 2018

23 
24 ANTHONY SOLIS
Attorney for Defendant
25 WILBUR M. SALAO
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27
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United States Attorney

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12 LAWRENCE S. MIDDLETON
Assistant United States Attorney
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15 VERONICA DRAGALIN
16 Assistant United States Attorney

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

19 DATED: October 22, 2018

20 
21 STANLEY FRIEDMAN
22 Attorney for Defendant
23 SCOTT SEO

24 DATED: October , 2018

25 ANTHONY SOLIS
26 Attorney for Defendant
27 WILBUR M. SALAO
28